IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

Crl.MC.No. 518 of 2007()

C.R.NO.40 OF 2005 OF BALUSSERY EXCISE RANGE

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PETITIONER: ACCUSED

SHYAMALA, AGED 42,
W/O.LATE SREEDHARAN,
KIZHAKKAYIL MEETHAL,
KUNNATHARA.P.O, ATHOLI-KOZHIKODE DIST.

BY ADV. SRI.SANTHARAM.P

RESPONDENTS: COMPLAINANT

STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.518 of 2007

Dated this the 27th day of February, 2007

ORDER

Petitioner, a woman, is the accused in Crime No.40 of 2005 of Balussery Excise Range. The allegation against her is that on 21.10.2005, she was found in possession of 5 litres of arrack. According to the petitioner, she was not arrested. She has not been informed by any court of the necessity for her to appear before any court. Unfortunately, the petitioner has come to know that a warrant of arrest has been issued against the petitioner by the court and she finds the said warrant chasing her. She is prepared to surrender before the learned Magistrate having jurisdiction, but apprehends that her application for bail may not be considered by the learned Magistrate in accordance with law, on merits and expeditiously. The counsel in these circumstances prays that appropriate direction may be issued to the learned Magistrate under Section 482 Cr.P.C to release the petitioner on bail on the date of her appearance.

2. I find no merit in the prayer for issue of directions under Section 482 Cr.P.C. It is certainly for the petitioner to appear before the court concerned and apprise the court of the circumstances under which the petitioner could not earlier appear. I have no reason to

assume that the said Court would not consider the petitioner's application for bail on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed. But I may hasten to observe that if the petitioner appears before the court having jurisdiction and applies for bail, such court must proceed to consider the petitioner's application for bail on merits, in accordance with law and expeditiously - on the date of surrender itself, unless compelling and exceptional reasons are there.

(R.BASANT, JUDGE)

rtr/-